

The Virgin Islands Consortium

A Bill Intended to Assure Intervention For Students Who Skip School Was Held In Committee

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Also held in committee was a measure that requires the Department of Education to consult with the Board of Education (B.O.E.) before making a final decision on closing a public school.

ST. THOMAS -- Members of the Senate Committee on Education, Youth, and Recreation met at the Capitol Building Wednesday to consider two bills, including a bill aimed at making sure students who skip school get the intervention services they need. Ultimately, the two bills were held in committee.

[Bill No. 32-0014](#) seeks to get rid of sections of the V.I. Code that broadly describe what constitutes an excused absence from school and that require parents or guardians who contribute to skipping school to pay a \$100 fine.

The bill gives a more detailed definition of both excused and unexcused absences and how each case should be dealt with. It also establishes procedures for remedial action to help reduce truancy.

In support of the bill, which was sponsored by Senator Novelle Francis, Senator Jean Forde, committee chair, expressed concerns that there was no consistency in attendance policies for public schools in the territory. Outlining detailed policies by law, he said, would give consistency as current policies have the potential to change whenever a new government administration took over.

Alvincent Hutson, V.I. Department of Education's legal counsel, said that while what Mr. Forde said was true, laws also had the potential to change from legislature to legislature. He said research analysts were in place to provide relevant data and suggestions to policymakers within each administration.

D.O.E. representatives testified that a student is considered truant after 10 absences.

Mr. Forde also asked D.O.E. to explain what typically happens when a child skips school often. Mr. Hutson said that there would be contact with the parents, and if the behavior persists, then representatives from the Department of Human Services (D.H.S.) would be invited to engage in discussions with the parents. The police would only get involved if both D.O.E. and the D.H.S. were unable to resolve the truancy issue, he said.

The newly proposed law stipulates that punitive action cannot be taken against a student for truancy unless supportive services are offered to that student.

Senator Tregenza Roach said he believed he understood what the sponsor of the bill was trying to accomplish – address truancy in a way that wouldn't cause the offender to end up in the criminal justice system. "Because basically what you're trying to do is not punish student who is being truant in a way that prevents him from being educated," he said.

However, the senator said he agreed with D.O.E. representatives that the definitions of an excused and unexcused absence didn't need to be codified. As the current statute stands, those definitions could be left up to the administrations and staff of the schools.

While the intent behind the bill may be to make truancy interventions more effective for students' sake, Mr. Roach said he didn't know if it would be possible to meet that objective by taking away school administrations' ability to make judgments on what constituted as an excused absence from case to case.

Mr. Roach also said that while the bill seeks to amend Title 86 of the V.I. Code, Title 89 is what allows police officers to apprehend a truant student and what could ultimately lead the child to become a part of the criminal justice system. There appeared to be a need for more harmony between sections 86 and 89, he said.

In an attempt to defend the bill, Mr. Francis asked D.O.E. to report current truancy trends but did not accept testimony that truancy rates seem to be falling. In fact, he accused one D.O.E. representative of downplaying the issue, saying that she had been told to do so by Education Commissioner Sharon McCollum.

“The legislation is mainly a framework – a framework in regards to what needs to be established,” he said.

Mr. Francis expressed frustration at the thought that years from now, the same discussion could be taking place and no decisive action would have occurred.

“I don’t want to waste anybody’s time, but if you don’t see this as an issue, I will submit that as a police officer being in charge of the juvenile bureau many times we have had to encounter youngsters that were in neighborhoods and elsewhere and no one in the Department of Education knew where they were,” he said.

While there was about an hour’s worth of discussion where different committee members aired their concerns and questioned testifiers, senators voted to table the bill in the end.

School Closure Bill

Senators also met to discuss [Bill No. 32-0303](#), a bill that requires D.O.E. to consult with the Board of Education (B.O.E.) before making a final decision on closing a public school. Should the bill become law, it would also require both entities, D.O.E. and the B.O.E., to explain to the legislature why the school should be closed.

Senator Myron Jackson, the bill’s sponsor, offered background on why the bill came about, referencing instances in which schools had been shuttered without “engagement with the community in a meaningful and systematic way” over the years.

The intent of his bill, he said, was to facilitate a meaningful discussion with the community before the closure of any public school in the territory.

Attorney Nandi Sekou represented the Board of Education in support of the bill. She presented the board’s recommendations, including the proposal that the final authority and decision to close a school should go to the board.

D.O.E. Legal Counsel Alvincent Hutson said the department agreed with the spirit of the bill and endeavors to make decisions on matters such as school closings in a collaborative way.

However, Mr. Hutson told senators that he would not advise Commissioner McCollum to make comment on the bill, considering that the department hadn’t received the right documentation.

He said that the department received an unofficial amendment to the bill from Mr. Jackson’s office. The amendment, he said, was substantially different from the bill and D.O.E. hadn’t been able to see an official draft of it with the amendment included.

Mr. Hutson requested more time to review the bill on behalf of the department.

Senators also tabled this bill in the end.

